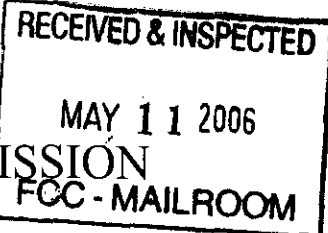
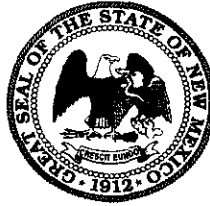


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May 4, 2006

Honorable Marlene H. Dortch
Secretary of the Federal
Communications Commission
445 12th Street, SW
Washington, D. C. 20554

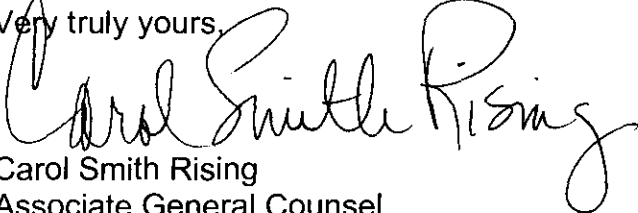
**RE: In the Matter of Numbering Resource Optimization; CC Docket No. 99-200
Before the Federal Communications Commission, Washington, D.C.**

Dear Secretary Dortch:

Enclosed find for filing the original and nine copies of ***The New Mexico Public Regulation Commission's Comments and Petition To The FCC's February 17, 2006 Order and Fifth Further Notice of Proposed Rulemaking*** in the above-captioned case.

Thank you for your attention to this matter.

Very truly yours,


Carol Smith Rising
Associate General Counsel

Encls.

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Optimization Notice,² the FCC concluded that thousands-block number pooling is an important numbering resource optimization strategy, essential to extending the life of the Numbering Plan Area (“NPA”)[The number assigned to a Numbering Plan Area is commonly called an area code.]. In the *Numbering Resource and Optimization First Report and Order*,³ the FCC held that state commissions seeking thousands block number pooling authority must first demonstrate: 1) that an NPA in its state is in jeopardy; 2) that the NPA in question has a remaining life span of at least a year; and 3) that the NPA is in one of the largest 100 metropolitan statistical areas (MSAs), or alternatively, the majority of wireline carriers in the NPA have Local Number Portability (LNP).⁴ The State of New Mexico has demonstrated the last two of these requirements. The FCC further recognized, however, that “special circumstances” may exist in which pooling would be beneficial in the NPAs that do not meet all of the above criteria, and stated that it may authorize mandatory pooling in such an NPA upon a satisfactory showing by a state commission of special circumstances.⁵ In 1998, the FCC adopted the Pennsylvania Numbering Order,⁶ delegating authority to state commissions to order NXX code rationing in area code relief decisions, in the absence of industry consensus. In the Pennsylvania Numbering Order, the FCC also encouraged state commissions to seek further limited delegations of authority to implement number conservation measures.⁷

The geographic scope of availability of LNP has dramatically expanded following the May 24, 2004 LNP mandate for areas outside the top 100 MSAs, while the scope of mandatory

² See *Numbering Resource Optimization Notice*, 14 FCC Rcd at 10383-84.

³ See *Numbering Resource Optimization*, CC Docket No. 99-200, FCC 00-104, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 7574 (Mar 31, 2000) (*Numbering Resource Optimization First Report and Order*).

⁴ See *id.* at 7652.

⁵ See *id.*

⁶ See *In the Matter of the Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717*, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 19009 (1998).

⁷ See *id.*

number pooling is limited to only the top 100 MSAs.⁸ The NMPRC requests delegated authority to require mandatory implementation of number pooling for rate centers in rural areas in which such action will extend the life of the area code by utilizing existing resources that would otherwise remain stranded. The State of New Mexico is currently undergoing the necessary relief planning steps for the 505 NPA with the North American Numbering Plan Administration (NANPA). NeuStar, Inc., in its NANPA capacity, is responsible for initiating NPA relief planning within New Mexico in sufficient time to prevent exhaust of numbering resources before relief is implemented, typically thirty-six (36) months prior to exhaust. The October 2005 Number Resource Utilization Forecast (NRUF) issued November 3, 2005 projects the 505 NPA in New Mexico will exhaust during the first quarter of 2009. The NMPRC asserts that the first two of the FCC's criteria have been met, and that special circumstances warrant a grant of additional authority to the NMPRC so that it may implement mandatory thousands block pooling in rural areas of New Mexico.

BACKGROUND

The original 505 area code (NPA) was established in 1947. (New Mexico is a single NPA state.) New Mexico consists of mostly rural to suburban localities in 32 counties with an approximate population of 1,956,000. Santa Fe is the capital and Albuquerque is the primary commercial center in the state. The Albuquerque Metropolitan Statistical Area (MSA) is included in area code 505. Qwest Corporation is the largest ILEC in the state and is LNP capable. The 575 NPA is reserved as the new relief NPA.

The October 2005 NRUF NPA Exhaust Projection is the first quarter of 2009 and reflects an annualized central office code growth of 31 NXX codes or 2.58 codes per month for the 505

⁸ See *In the Matter Telephone Number Portability*, CC Docket No. 95-116, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, ¶29 (November 10, 2003).

NPA. During 2005, the total code assignment was 31 codes or 2.58 codes per month.⁹ There are 50 code holders in the 505 NPA. The 505 NPA has 163 rate centers: 113 rate centers have one NXX code assigned, sixteen have 2 codes assigned and one rate center has 217 codes assigned (Albuquerque).

Thousand-Block Number Pooling started April 8, 2002. *In New Mexico, out of the 163 rate areas, 15 rate centers have mandatory pooling, 42 rate centers have optional pooling and 106 rate centers are excluded from pooling.*¹⁰ Please note that 5 of the 15 mandatory-pooling rate centers only have one service provider. One hundred forty-nine blocks have been assigned in the last 12 months and 483 blocks are available. As of March 8, 2006, there were 88 codes available for assignment; while there are 22 additional unavailable NXX codes (6 codes under investigation – two codes (283 & 957) will be made available in the near future, and 4 codes that are current or future adjacent NPAs are still being investigated) and 689 codes assigned.

Most of the 505 NPA is in the 664 Local Access and Transport Area [LATA; also called Service Areas], but there are two rate centers in the AZ 668 LATA (Virden & Rodeo); four in the TX 540 LATA (Timerbon, Queen, Dell City and Guadalupe Peak); one in the TX 546 LATA (Kenton); and one Navajo Territory NXX code in the AZ 980 LATA. These are associated with towns near the state borders. The following criteria govern the current dialing procedures for the 505 NPA: All Home NPA (HNPA) local calls are dialed on a 7-digit basis, i.e., NXX-XXXX (7-digits); All HNPA toll calls, i.e., 1+HNPA+NXX-XXXX (1+ 10 digits); All foreign NPA (FNPA) local calls are dialed on a 10-digit basis with no prefix, i.e., FNPA-NXX-XXXX (1—digits); All FNPA toll calls are dialed with a prefix “1” and 10 digits, i.e., 1+FNPA-NXX-

⁹ Assignment History: 2003-15 codes assigned; 2004-22 codes assigned

¹⁰ Initial Planning Document For Relief of the New Mexico – 505 NPA, NORTH AMERICAN NUMBERING PLAN ADMINISTRATION, Joe Cocke, Senior NPA Relief Planner, Feb. 8, 2006, 505 NPA Relief, General Facts and Assumptions.

XXXX (1+10 digits); and all operator assisted calls, included credit card, collect and third party calls, will be directed with a "0" prefix and 10 digits, i.e., 0+ NPA-NXX-XXXX (0+10 digits).

Due to increases in demand for numbering resources and the projected exhaust of the 505 NPA, NANPA notified the Industry on January 10, 2006, that NPA relief needed to be addressed. As a result in this current NANPA relief planning effort, an industry workshop via conference call was conducted to arrive at a consensus for a relief alternative(s) plan. At the March 8, 2006, Relief Planning Meeting for the 505 NPA in New Mexico, the participants discussed the attributes of the relief alternatives and reached consensus to recommend to the NMPRC - Alternative #5, the all-services distributed overlay plan, or Alternative #9, a two-way geographic split, as the preferred methods of relief for the 505 NPA.¹¹ The descriptions of the recommended relief alternatives are as follows:

- Alternative #5, the all-services distributed overlay, would superimpose a new NPA over the same geographic area covered by the existing 505 NPA. All existing customers would retain the 505 area code and would not have to change their telephone numbers. The projected life of the new NPA is 26 years. Consistent with Federal Communication Commission (FCC) regulations, customers would dial 10 digits for all local calls.
- Alternative #9, a two-way geographic split, would split the 505 NPA into two NPAs, creating a geographic circular NPA around the Albuquerque and Santa Fe area. The outer NPA is referred to as "Area A," and the inner NPA is referred to as "Area B." The new Area A NPA would have a projected life of 30 years and the new Area B NPA would have a projected life of 22 years. A geographic split

¹¹ Petition of the North American Numbering Plan Administrator on Behalf of the New Mexico Telecommunications Industry for Relief of the 505 NPA, filed with the NMPRC, April 19, 2006.

would require customers located within the area receiving the new area code to change their telephone numbers. Customers will continue using seven-digit dialing for local calls within their “home” NPA.

The industry also reached consensus to request the NMPRC provide an open comment period for interested parties on the different alternatives.

The proposed Implementation Schedule took into account the particular needs of the New Mexico public when it comes to the education and adjustment periods for implementing either kind of area code change. The fact that New Mexico has always had the same 505 NPA was of particular interest. The state’s diverse population, diverse languages and the various rural communities were noted in the industry’s decision process in determining intervals needed for appropriate customer education. The total interval period for Alternative #5 (Overlay) was 19 months, while the total interval period for alternative #9 (Geographic Split) was for 27 months. Therefore, the industry recommends a decision by the NMPRC by October 3, 2006, especially if the decision is for a geographic split. Once a decision is issued, the industry would meet to establish the implementation dates, unless set by the NMPRC.

The NMPRC has historically taken proactive measures to promote the efficient use of numbering resources in the 505 area code, as demonstrated by the historical longevity of the 505 NPA and the previous forecasted exhaust dates.

NPA	2002	2003	2004	2005	2006
505	2Q2007	2Q2007	4Q2008	4Q2008	1Q2009

Concurrent with this Petition, the State of New Mexico is undertaking relief planning of the 505 NPA. While the NMPRC has not yet required carriers to implement a code overlay or split, the

NMPRC believes that this measure may be delayed, given the rural nature of the state, if New Mexico is delegated authority to implement mandatory thousands-block number pooling in rural areas. As noted by the FCC, “[a]s many state commissions can attest, mandatory number pooling can extend the life of numbering plan areas (NPA’s) more effectively than optional pooling requirements.”¹¹

The NMPRC is concerned that thousands of numbers will be stranded in the rural areas of New Mexico and has a strong desire to do everything feasible to conserve numbers and to enhance its authority for number administration and optimization. Accordingly, the NMPRC seeks the authority to order mandatory thousands-block pooling in LNP-capable rate centers located outside the nation’s top 100 MSAs where such action will extend the life of the area code by utilizing existing resources that otherwise would have remained stranded. This authority would allow the NMPRC to ensure that numbers are assigned in thousand-number blocks rather than blocks of ten thousand. Upon implementation, carriers would return any existing unused blocks meeting the contamination level to the pool for reassignment to other carriers.

In support of the Petition, the NMPRC states that the 505 area code includes one of the top 100 metropolitan statistical areas (MSA’s) and includes areas where the largest carriers, and accordingly the overwhelming majority of access lines, are LNP capable. The 505 area code exhaust date of first quarter 2009 is optimistic. The NMPRC believes that when considering the pace at which wireline, wireless and other providers, with new evolving technologies, are requesting ten thousand blocks, realistically, the code may exhaust more quickly than predicted.

¹¹ 71 F.R. 13393-01, 13323-13324, 2006 WL 622378 (March 15, 2006).

CONCLUSION

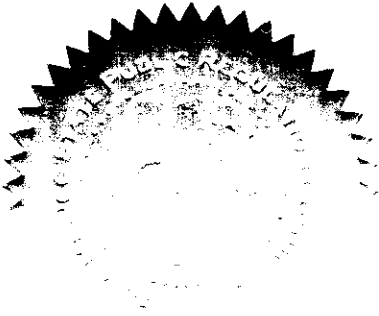
The FCC recognizes the invaluable role of the state commissions in number administration and optimization. The FCC has granted authority to those state commissions requesting it to implement mandatory thousands-block number pooling in certain NPAs due to the fact that the remaining life of the NPA at issue was within three years of exhaust. New Mexico fits this specific criterion. As part of its Comments in this Fifth Further Notice of Proposed Rulemaking, the NMPRC respectfully requests delegated authority to implement mandatory thousands-block number pooling in New Mexico, consistent with the parameters set forth in the Order, so that it can prolong the life of the 505 area code. The NMPRC hopes that pooling measures will delay additional burdens on the public. Since time is of the essence to ensure that number conservation measures have the maximum effect on reducing the demand for numbering resources, and possibly to avoid premature area code relief, the NMPRC respectfully requests that the Commission grant its request for additional delegated authority on an expedited basis.

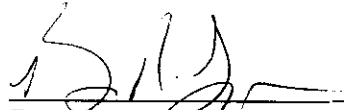
The Commission may contact the NMPRC as follows: Carol Rising, Esq., Associate General Counsel, New Mexico Public Regulation Commission P.O. Box 1269, Santa Fe, New Mexico 87504-1269; phone: (505) 827-4111; facsimile: (505) 827-4194; email: carol.rising@state.nm.us.

Dated this 2nd day of May 2006.

Respectfully Submitted,

NEW MEXICO PUBLIC REGULATION COMMISSION





Ben R. Lujan, Chairman




Jason Marks, Vice Chairman



David W. King, Commissioner

EXCUSED

Lynda M. Lovejoy, Commissioner


E. Shirley Baca, Commissioner